

Title 12

UTILITIES

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Chapter 12.04

SEWER RATES AND CHARGES

Sections:

12.04.020 Sewer rates.

12.04.030 Connection fees, charges and costs.

12.04.020 Sewer rates.

For the furnishing of service to the users and potential users of the city sanitary sewage system, the rates and charges per month are established for the classifications indicated below:

(1) Definitions.

(a) "Base monthly charge" means the minimum charge to a user per month. For those users whose sewer charge is calculated based on water use, the base monthly charge includes water use up to the base monthly allowance.

(b) "Units" means the number of dwelling units in a multifamily residence such as a duplex, apartment or condominium; or the number of separate rooms or living units in a nursing home, congregate care or assisted living facility; each having separate bathroom and/or kitchen facilities.

(c) "Incremental rate" means the dollar amount charged per 100 cubic feet of water use above the base monthly allowance and applies to those users whose sewer fee is calculated based on water use.

(d) "Sewer charge" means the dollar amount a user is charged for sewer service, calculated based on the sewer rates.

(e) "Sewer rate" means the dollar amount a user is charged for sewer service per unit of measure. For example, a sewer rate may be in terms of dollars per 100 cubic feet of water used, dollars per student, or other units.

(f) "Customer" means the legal property owner at time of meter reading.

(g) "Account" means customer.

(h) "Low-income household" means a household in which the total annual income is below the very low-income level for the Seattle/Everett area as established and amended by survey from time to time by the United States Department of Housing and Urban Development.

(i) "Senior citizen" means a person of 62 years of age or older.

(j) "Disabled person" means a person with a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, learning, performing manual tasks, caring for oneself, etc.

(2) Rates and Charges.

(a) Basis of Rates and Charges. Sewer charges shall be based on the monthly water use as recorded by the city water meters unless indicated otherwise in this section. The charge for residential uses for the summer months, defined herein as June, July, August and September for accounts in utility meter books 01, 02, 06, 07 and 09, and July, August, September and October for accounts in utility meter books 03, 04, 05 and 08, shall be based on the lesser of the water use for the billing period or the average monthly water use for the preceding October through May, or November through June, period, respectively. If data for the full October through May, or November through June, period are not available, the data will be averaged over the period for which data are available. For new accounts that begin in the defined summer months, the month's charge shall be based on the water use for that month. The charge for nonresidential uses for the months of June, July, August and September shall be based on the water use for that month unless indicated otherwise in this section. A user may elect, at his/her own expense, to install a separate water meter to measure water used for irrigation. An irrigation-only account will then be established and billed separately by the city.

(b) Rate Schedule. Effective January 1, 2005.

Classification	Base Monthly Charge	Incremental Rate
Residential:		
Single-family residences	\$34.05	\$3.00/100 cubic feet
Multifamily residences	\$34.05 times the number of units	\$3.00/100 cubic feet
Commercial:		
Light commercial	\$39.10	\$3.00/100 cubic feet
Heavy commercial	\$74.30	\$3.20/100 cubic feet

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Classification	Base Monthly Charge	Incremental Rate
General industrial	\$124.10	\$4.09/100 cubic feet
Schools:		
Without kitchen and/or gym	\$39.10 plus \$1.35 per student and staff	Not applicable
With kitchen and/or gym facilities	\$80.86 plus \$1.35 per student and staff	Not applicable
Other:		
Hotels and guest houses	\$34.05 times the number of units	\$3.00/100 cubic feet
Churches, meeting halls, etc.	\$39.10	\$3.00/100 cubic feet
All Other Uses (e.g., government, utilities, etc.)	\$39.10	\$3.00/100 cubic feet

(c) Rate Schedule. Effective January 1, 2009.

Classification	Base Monthly Charge	Incremental Rate
Residential:		
Single-family residences	\$35.07	\$3.09/100 cubic feet
Multifamily residences	\$35.07 times the number of units	\$3.09/100 cubic feet
Commercial:		
Light commercial	\$40.27	\$3.09/100 cubic feet
Heavy commercial	\$76.22	\$3.30/100 cubic feet
General industrial	\$127.72	\$4.21/100 cubic feet
Schools:		
Without kitchen and/or gym facilities	\$40.27 plus \$1.39 per student and staff	Not applicable
With kitchen and/or gym facilities	\$83.29 plus \$1.39 per student and staff	Not applicable
Other:		
Hotels and guest houses	\$35.07 times the number of units	\$3.09/100 cubic feet
Churches, meeting halls, etc.	\$40.27	\$3.09/100 cubic feet
All Other Uses (e.g., government, utilities, etc.)	\$40.27	\$3.09/100 cubic feet

(d) Additional Information. The school population to be applied for calculation of the sewer charge shall be the number of full-time

staff and student equivalents as reported by the school district for the month of October of each year. This population shall be used for the school year beginning November 1st and for the school year until new October data are available. Schools shall be charged only the base monthly charge for the months of June, July and August as long as the facility remains unoccupied and the water consumption reflects an inactive status.

(e) Sewer Service Outside the City Limits. Rates for services outside of the city limits of Stanwood shall be city rates as adopted, plus 45 percent.

(3) Base Monthly Allowances.

(a) The base monthly allowance shall be as follows:

Classification	Base Monthly Allowance
Residential:	
Single-family residences	600 cubic feet per month
Multifamily residences:	
Units individually metered	600 cubic feet per month
One water meter for all units	600 cubic feet per month times the number of units
Commercial:	
Light commercial	600 cubic feet per month
Heavy commercial	600 cubic feet per month
General industrial	600 cubic feet per month
Schools:	Not applicable
Other:	
Hotels and guest houses	600 cubic feet per month times the number of units
Churches, meeting halls, etc.	600 cubic feet per month
All Other Uses (e.g., government, utilities, etc.)	600 cubic feet per month

(b) The following conditions apply to the base monthly allowances:

(i) Multifamily Residences. No modifications given for unoccupied units when multiple units are on a single meter.

(4) Classification Descriptions.

(a) Single-Family Residences. This classification includes buildings for residential uses and includes detached homes intended for use by single families.

(b) Multifamily Residences. This classification includes structures containing more than one residence and includes uses such as duplexes, triplexes, multiplexes, nursing homes, congregate care, convalescent care, assisted living facilities, condominiums and apartments.

(c) Light Commercial. This classification includes commercial uses not otherwise classified. It incorporates simple domestic waste generators such as offices and small retail trade establishments.

(d) Heavy Commercial. This classification includes commercial uses that have higher potential for problem wastes (high strength, problem constituents or large volume) than the light commercial classification. The heavy commercial classification includes laundries, dry cleaners, restaurants, cafes, grocery stores, medical clinics, funeral homes, photo development, veterinary clinics, dental clinics, etc.

(e) General Industrial. This classification includes uses that generate large volumes of wastewater or have high strength or problem wastewater. This classification includes manufacturing and processing facilities, etc.

(f) Hotels and Guest Houses. This classification includes buildings used for sleeping purposes by guests (transient lodging) such as motels, inns, hotels, and bed and breakfast inns. No modifications will be given for unoccupied units.

(g) Public/Institution. This classification includes government buildings, churches, meeting halls, school district administration offices unless they are situated within a school building, etc.

(h) Schools. This classification includes education facilities. If school district administration offices are located within the same building as where education classes are conducted, such administration staff shall be counted as school staff for the sewage charge calculation.

(i) Special. This classification is reserved for special cases that do not fit the other classes. The public works director shall determine whether a special classification and charge will apply and will recommend to city council such charges.

(5) Users with State Waste Discharge Permits, NPDES Permits or Pretreatment Agreements with the City. This classification includes businesses with a state waste discharge permit, NPDES permit or pretreatment agreement with the city. The monthly charge shall be based on the maximum amount of wastewater allowed by the permit or agreement unless a city-approved meter indicates a smaller amount was actually sent to the city's wastewater facilities. For businesses that do not yet have a permit or agreement, calculation of their charge shall be based on the most appropriate classification above.

(6) Users with High Strength Waste. The city shall have the right to charge an additional monthly sewer service charge for a high strength waste, which is defined herein as one with pollutant concentrations in excess of typical domestic wastewater. A surcharge is appropriate for waste strength conditions including, but not limited to, a total five-day biochemical oxygen demand and/or suspended solids concentration in excess of 300 milligrams per liter. The public works director will recommend to city council an appropriate monthly surcharge.

(7) Users with Multiple Classifications. In the event that any user of the city's sanitary sewage system, by the nature of its business, may fall within two or more of the above classifications, the rate for such user shall be the highest rate established for any such classification.

(8) Contract Rates. Rates for any user may be set by contract at the discretion of the city council. Users having their rates set by contract shall fall under this classification only during the duration of the contract term. Upon termination of said contract, the user will be charged under the other most applicable classification as determined by the finance director.

(9) Inactive Rates. An inactive rate is available to accounts where water consumption falls below 100 cubic feet per month for one continuous billing period or more. Inactive rates will only be available upon prior notice to the city. Inactive rates for all classifications shall be 50 percent of the minimum base monthly charge per classification.

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(10) Low-Income Senior Citizen and Low-Income Disabled Rates.

(a) Low-income senior citizens or low-income disabled persons who are customers of the utility shall be eligible to apply for sewer service at 70 percent of the monthly minimum charge, and full charge for all overage consumption.

(b) Low-income households in which the principal financial resources are provided by a senior citizen or a disabled person, as defined in this chapter, may apply for these reduced rates. The city may require a customer who is receiving service at a reduced rate to provide information annually to confirm their continued eligibility for the reduced rate.

(c) The reduced rate provided by this subsection shall apply only to single-family residential services. (Ord. 1235 § 1, 2008; Ord. 1189 § 1, 2006; Ord. 1127 § 1, 2002; Ord. 1102 § 1, 2000; Ord. 1086 § 1, 1999; Ord. 938 § 1, 1995; Ord. 850 § 1, 1992; Ord. 770 § 1, 1989; Ord. 757 § 1, 1988; Ord. 673 § 1, 1985; Ord. 605, 1982; Ord. 577 § 1, 1981; Ord. 557 § 1, 1980; Ord. 470, 1977; Ord. 355 § 7, 1971; Ord. 241 § 2, 1962).

12.04.030 Connection fees, charges and costs.

(1) Applications for connection to the city sewage system shall be made to the public works department for approval of the design and inspection of the proposed connection.

(2) A permit fee to cover the cost of administration in the amount of \$50.00 shall be charged for each application for city sewer service. Such fee shall be paid into the city general fund.

(3) A connection fee shall be charged at the time of construction of a building or segregation of a building into two or more units for each separate residence, multiple housing unit, business building or separate business unit within a building proposed to be served by city sewer according to the following schedule:

(a) Residential Sewer Connection Charges.

(i) Single-family residence (including mobile homes): \$500.00.

(ii) Duplex (two dwelling units): \$750.00.

(iii) Triplex (three dwelling units): \$1,000.

(iv) Multifamily: \$1,000 plus \$250.00 per unit.

(b) Commercial.

(i) Six-inch service connection: \$1,000.

Connection fees for service sizes other than six inches shall be determined by the public works director.

Such fee shall be paid into the sanitary sewage construction reserve fund. (Ord. 1102 § 1, 2000; Ord. 1086 § 1, 1999).

Chapter 12.08

SIDE SEWERS

(Reserved)

Chapter 12.12

DRAINAGE UTILITY FEES AND FUND

Sections:

- 12.12.010 Revenue fund created.
- 12.12.020 Drainage rates and charges.
- 12.12.030 *Repealed.*
- 12.12.040 Connection fees, charges and costs.
- 12.12.050 Permit required.
- 12.12.060 *Repealed.*
- 12.12.070 Drainage fees and charges for property outside of the city.
- 12.12.080 Development fees.
- 12.12.090 Construction fund created.

12.12.010 Revenue fund created.

There is created a special fund of the city to be known as the “drainage fund.” Any and all charges, assessments, and revenues received for drainage purposes, or from any rental, use, services or sale of property attributable to the operation and management of such utility, shall be credited to and paid into such fund. (Ord. 1189 § 2, 2006; Ord. 563 § 1, 1981).

12.12.020 Drainage rates and charges.

For the furnishing of the service to the users and potential users of the city drainage system, the rates and charges per month are established for the classifications indicated below:

(1) Definitions.

(a) “Multiple business building” means one structure with multiple business units.

(b) “Customer” means the legal property owner at time of billing.

(c) “Accounts” means customer.

(d) “Low-income household” means a household in which the total annual income is below the very low-income level for the Seattle/Everett area as established and amended by survey from time to time by the United States Department of Housing and Urban Development.

(e) “Senior citizen” means a person of 62 years of age or older.

(f) “Disabled person” means a person with a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing,

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speaking, learning, performing manual tasks, caring for oneself, etc.

(2) Rates and charges effective July 1, 2006:

Classification	Monthly Rate
(a) Residential Uses:	
(i) Single-family residences including a lot or lots up to 10,000 sq. ft. in area	\$8.10
(ii) Multifamily residences including land up to 10,000 sq. ft. in area per unit	\$4.05
(b) Commercial Uses:	
(i) For each single- or two-unit business building, including land up to 10,000 sq. ft. in area	\$12.15
(ii) For each multi-business building, in excess of two units, including land up to 10,000 sq. ft., per unit	\$4.05
(c) Land areas not provided for in subsections (2)(a) or (b) of this section shall be charged as follows:	
(i) Improved Land: For each 20,000 sq. ft. or part thereof of land improved with hard-surfaced parking lots, or other facilities or structures	\$8.10
(3) Rates and charges effective January 1, 2007:	
Classification	Monthly Rate
(a) Residential Uses:	
(i) Single-family residences including a lot or lots up to 10,000 sq. ft. in area	\$10.45
(ii) Multifamily residences including land up to 10,000 sq. ft. in area per unit	\$5.20

Monthly Rate

(b) Commercial Uses:	
(i) For each single- or two-unit business building, including land up to 10,000 sq. ft. in area	\$15.65
(ii) For each multi-business building, in excess of two units, including land up to 10,000 sq. ft., per unit	\$5.20
(c) Land areas not provided for in subsections (3)(a) or (b) of this section shall be charged as follows:	
(i) Improved Land: For each 20,000 sq. ft. or part thereof of land improved with hard-surfaced parking lots, or other facilities or structures	\$10.45

(4) Rates and charges effective January 1, 2008:

Classification	Monthly Rate
(a) Residential Uses:	
(i) Single-family residences including a lot or lots up to 10,000 sq. ft. in area	\$12.25
(ii) Multifamily residences including land up to 10,000 sq. ft. in area per unit	\$6.10
(b) Commercial Uses:	
(i) For each single- or two-unit business building, including land up to 10,000 sq. ft. in area	\$18.30
(ii) For each multi-business building, in excess of two units, including land up to 10,000 sq. ft., per unit	\$6.10

Classification	Monthly Rate
<p>(c) Land areas not provided for in subsections (4)(a) or (b) of this section shall be charged as follows:</p> <p>(i) Improved Land: For each 20,000 sq. ft. or part thereof of land improved with hard-surfaced parking lots, or other facilities or structures</p>	<p>\$12.25</p>

(5) Low-Income Senior Citizen and Low-Income Disabled Rates.

(a) Low-income senior citizens or low-income disabled persons who are customers of the utility shall be eligible to apply for drainage service at 70 percent of the monthly charge.

(b) Low-income households in which the principal financial resources are provided by a senior citizen or a disabled person, as defined in this chapter, may apply for these reduced rates. The city may require a customer who is receiving service at a reduced rate to provide information annually to confirm their continued eligibility for the reduced rate.

(c) The reduced rate provided by this section shall apply only to single-family residential services. (Ord. 1235 § 2, 2008; Ord. 1189 § 2, 2006; Ord. 830 § 1, 1991; Ord. 807 § 1, 1990; Ord. 758 § 1, 1988; Ord. 672 § 1, 1985; Ord. 606 § 1, 1982; Ord. 578 § 1, 1981; Ord. 563 § 2, 1981).

12.12.030 Drainage of water other than precipitation.

Repealed by Ord. 1189. (Ord. 563 § 3, 1981).

12.12.040 Connection fees, charges and costs.

(1) Applications for connection to the city storm sewer system shall be made to the city finance director who will collect fees and forward the application to the public works

department for approval of the design and inspection of the proposed connection.

(2) A permit fee to cover the cost of administration, in the amount of \$50.00, shall be charged for each application for city storm sewer service. Such fee shall be paid into the city general fund.

(3) A connection charge of \$200.00 shall be charged for each separate residence, multiple housing unit, or business building proposed to be served by a storm sewer. Such fee shall be paid into the drainage construction fund.

(4) Construction Costs and Fees.

(a) The cost of construction of storm sewer lines from the public storm sewer shall in all cases be borne by such persons connecting thereto.

(b) Cost of construction of storm sewer mains by developers and others except in the case of an LID or ULID shall be directly borne by the party extending the storm sewer main.

(c) Cost of upgrading the drainage facilities, storm sewer trunk lines, or pumping facility or the cost of a consulting engineer shall be considered part of the cost of the storm sewer extension and such costs as determined by the public works director or consulting engineer shall be remitted to the city finance director or the work completed and accepted by the city prior to issuance of any connection.

(d) The city may at its option construct storm sewer mains to serve an area. Any property connecting to a storm sewer main constructed by the city shall be subject to the fees and charges under this section plus a pro rata share of the construction costs of the extension based on 50 percent square footage of the area served and 50 percent front footage of properties to be served unless 75 percent of the own-

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ers of property in the area to be served agree on another method of apportionment which shall be subject to the approval of the city.

(e) Any property connected to a storm sewer main or open ditch constructed under an LID or ULID shall be subject to a construction fee based upon the same square footage and front footage assessments made on the property within the LID. (Ord. 1189 § 2, 2006; Ord. 695 § 11, 1986; Ord. 653 § 1, 1985; Ord. 563 § 4, 1981).

12.12.050 Permit required.

(1) It is unlawful for any person to make any connection with any public or private storm sewer without provisions of this chapter in relation thereto, unless a permit to do so from the public works director has been issued and is in force.

(2) Application for such permit shall be filed with the public works director stating the name of the owner, the correct address and legal description of the property to be served, dimensions and locations of any buildings or hard-surfaced improvements on the property and the whole course of the private storm sewer from the public storm sewer or other outlets to its connection with the building or property to be served. The application shall be submitted to the public works director for approval, who may change or modify the same and designate the manner and place in which such sewer shall be connected with the public storm sewer, and he shall endorse his approval upon the application if the same is acceptable to him.

(3) Upon approval of the application, the public works director shall issue for his records a permit card and storm sewer plan showing the size and location of the public storm sewer, the point of connection, the location of any buildings on the lot and any other such information as may be available and required.

(4) Upon approval of the application and issuance of the permit, it is unlawful to alter or to do any other work than is provided for in the permit.

(5) The public works director shall prepare and keep on file in his office all records of storm sewer connections showing the informa-

tion obtained in the course of inspection of completed work done under the permit.

(6) The public works director may issue such a permit to the owner or occupant of any property to construct, extend, relay, repair or make connection to any public or private storm sewer or drainage channel, provided such owner or occupant complies with the applicable provisions of this chapter. (Ord. 1189 § 2, 2006; Ord. 563 § 5, 1981).

12.12.060 Lien charges.

Repealed by Ord. 1189. (Ord. 563 § 5, 1981).

12.12.070 Drainage fees and charges for property outside of the city.

When property outside of the city is served by storm sewers, drainage ditches, drainage channels or pumping facilities, charges for such drainage services, filing of liens or other fees or charges covered in this chapter shall be payable at the rate of 150 percent of the applicable charge or rate for service within the city. (Ord. 1189 § 2, 2006; Ord. 563 § 6, 1981).

12.12.080 Development fees.

At the time of application for a subdivision, short plat, planned unit development or binding site plan, a drainage assessment is to be submitted to the city clerk-treasurer in the amount of \$400.00 plus \$25.00 per lot. Such fee is to be credited to the drainage construction fund for the improvement of drainage facilities. (Ord. 1189 § 2, 2006; Ord. 695 § 12, 1986; Ord. 563 § 8, 1981).

12.12.090 Construction fund created.

There is created a special fund of the city to be known as the "drainage construction fund." Any and all development fees shall be credited and paid into such fund to provide for construction and improvement of drainage facilities. (Ord. 1189 § 2, 2006; Ord. 563 § 9, 1981).

Chapter 12.16

WATER UTILITY RATES AND CHARGES

Sections:

- 12.16.005 Definitions.
- 12.16.010 Water service rates.
- 12.16.014 Low-income senior citizen and low-income disabled rates.
- 12.16.016 Inactive rates.
- 12.16.020 Large seasonal users.
- 12.16.030 Fire hydrant service.
- 12.16.040 Service connection charge.
- 12.16.050 Fire suppression systems.

12.16.005 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) "Quantity allowed" means the number of hundreds of cubic feet of water that may be consumed for the monthly minimum charge.

(2) "Overage" means the water that is consumed over the quantity allowed for each meter size in a month.

(3) "Low-income household" means a household in which the total annual income is below the very low-income level for the Seattle/Everett area as established and amended by survey from time to time by the United States Department of Housing and Urban Development.

(4) "Senior citizen" means a person 62 years of age or older.

(5) "Disabled person" means a person with a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, learning, performing manual tasks, caring for oneself, etc.

(6) "Inactive" means an account with less than 100 cubic feet water consumption for one continuous billing period.

(7) "Customer" means the legal property owner at time of meter reading.

(8) "Account" means customer. (Ord. 1189 § 3, 2006; Ord. 994 § 1, 1996).

12.16.010 Water service rates.

(1) For the furnishing of service to users and potential uses of the city water system, the rates and charges per month are established for the classifications indicated below.

(2) Water Service Rates – Metered Water. The following rates will be applied for monthly water service:

(a) Monthly Minimum Charges by Meter Size – Effective January 1, 2005.

Meter Size (inches)	Quantity Allowed (hundreds of cubic feet)	Monthly Minimum Base Charge
3/4	6	\$13.56
1	10	\$24.60
1-1/2	20	\$42.99
2	40	\$79.78
3	80	\$124.94
4	150	\$187.39

(b) Charges for Consumption in Excess of the Quantity Allowed (by Hundreds of Cubic Feet) – Effective January 1, 2005.

(i) All amounts in excess of quantity allowed unless included in the monthly minimum base charge: \$1.78 per 100 cubic feet from four to 50 hundreds of cubic feet.

(ii) All amounts in excess of 50 hundreds of cubic feet unless included in the monthly minimum base charge: \$1.78 per 100 cubic feet in excess of 50 hundreds of cubic feet.

(c) Monthly Minimum Charges by Meter Size – Effective September 1, 2006.

Meter Size (inches)	Quantity Allowed (hundreds of cubic feet)	Monthly Minimum Base Charge
3/4	6	\$14.21
1	10	\$24.60
1-1/2	20	\$47.32
2	40	\$79.78
3	80	\$137.63
4	150	\$213.77

(d) Charges for Consumption in Excess of the Quantity Allowed (by Hundreds of Cubic Feet) – Effective September 1, 2006.

(i) All amounts in excess of quantity allowed, unless included in the monthly minimum base charge, shall be charged at \$1.87 per each 100 cubic feet over the base quantity allowed.

(e) Monthly Minimum Charges by Meter Size – Effective January 1, 2007.

Meter Size (inches)	Quantity Allowed (hundreds of cubic feet)	Monthly Minimum Base Charge
3/4	6	\$15.26
1	10	\$25.48
1-1/2	20	\$50.82
2	40	\$81.34
3	80	\$150.32
4	150	\$240.14

(f) Charges for Consumption in Excess of the Quantity Allowed (by Hundreds of Cubic Feet) – Effective January 1, 2007.

(i) All amounts in excess of quantity allowed, unless included in the monthly minimum base charge, shall be charged at \$2.00 per each 100 cubic feet over the base quantity allowed.

(g) Monthly Minimum Charges by Meter Size – Effective January 1, 2008.

Meter Size (inches)	Quantity Allowed (hundreds of cubic feet)	Monthly Minimum Base Charge
3/4	6	\$16.37
1	10	\$27.34
1-1/2	20	\$54.51
2	40	\$87.25
3	80	\$163.01
4	150	\$266.52

(h) Charges for Consumption in Excess of the Quantity Allowed (by Hundreds of Cubic Feet) – Effective January 1, 2008.

(i) All amounts in excess of quantity allowed, unless included in the monthly minimum base charge, shall be charged at \$2.15 per

each 100 cubic feet over the base quantity allowed.

(j) Monthly Minimum Charges by Meter Size – Effective January 1, 2009.

Meter Size (inches)	Quantity Allowed (hundreds of cubic feet)	Monthly Minimum Base Charge
3/4	6	\$17.57
1	10	\$29.34
1-1/2	20	\$58.51
2	40	\$93.65
3	80	\$175.70
4	150	\$292.89

(k) Charges for Consumption in Excess of the Quantity Allowed (by Hundreds of Cubic Feet) – Effective January 1, 2009.

(l) All amounts in excess of quantity allowed, unless included in the monthly minimum base charge, shall be charged at \$2.31 per each 100 cubic feet over the base quantity allowed.

(m) Water Service Outside the City Limits. Rates for services outside of the city of Stanwood shall be city rates as adopted, plus 45 percent.

(3) Conditions.

(a) In computation of bi-monthly bills for service, the monthly minimum base charge and the quantity allowed for each rate block shall be multiplied by two.

(b) When multiple dwelling units, each having bathroom and/or kitchen facilities within a building, are served by a single meter connection, the minimum charge per month shall be the minimum monthly charge for a three-quarter-inch meter times the number of dwellings served by the single meter. (Ord. 1189 § 3, 2006; Ord. 1128 § 1, 2002; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 994 §§ 2 – 5, 1996; Ord. 831 § 1, 1991; Ord. 808 § 1, 1990; Ord. 788 § 1, 1989; Ord. 749 § 1, 1988; Ord. 723 §§ 1, 2, 1987; Ord. 715 § 1, 1986; Ord. 709 § 1, 1986).

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12.16.014 Low-income senior citizen and low-income disabled rates.

(1) Low-income senior citizens or low-income disabled persons who are customers of the utility shall be eligible to apply for water service at 70 percent of the monthly minimum charge, and full charge for all overage consumption.

(2) Low-income households in which the principal financial resources are provided by a senior citizen or a disabled person, as defined in this chapter, may apply for these reduced rates. The city may require a customer who is receiving service at a reduced rate to provide information annually to confirm their continued eligibility for the reduced rate.

(3) The reduced rate provided by this section shall apply only to three-quarter-inch single-family residential services. (Ord. 1189 § 3, 2006; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 994 § 6, 1996).

12.16.016 Inactive rates.

An inactive rate is available to accounts where consumption falls below 100 cubic feet for one continuous billing period or more. Inactive rates will only be available upon prior notice to the city. Inactive rates for all meter sizes shall be at 50 percent of the minimum monthly base water charge by meter size. (Ord. 1189 § 3, 2006; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 994 § 7, 1996).

12.16.020 Large seasonal users.

(1) Applicable to all users who:

(a) Consume more than 1,000,000 cubic feet per year; and

(b) Consume water at a rate of more than 100 gallons per minute (GPM); and

(c) Consume more than 20 percent of their annual water use in 30 consecutive calendar days.

(2) Demand Charge. Large seasonal users shall pay a demand charge. The demand charge shall be in accordance with the following formula:

(a) Effective January 1, 2005, Demand Charge – \$1.59 times (peak day water use for 2004 in GPM).

(b) Effective September 1, 2006, Demand Charge – \$1.67 times (peak day water use for 2005 GPM).

(c) Effective January 1, 2007, Demand Charge – \$1.79 times (peak day water use for 2006 GPM).

(d) Effective January 1, 2008, Demand Charge – \$1.92 times (peak day water use for 2007 GPM).

(e) Effective January 1, 2009, Demand Charge – \$2.06 times (peak day water use for 2008 GPM).

(3) Consumption Charge. In addition to the demand charge, large seasonal users shall pay a consumption charge equal to:

(a) Effective January 1, 2005, the annual average water consumption over the five previous calendar years divided by 12 times \$1.21 per 100 cubic feet.

(b) Effective September 1, 2006, the annual average water consumption over the five previous calendar years divided by 12 times \$1.27 per 100 cubic feet.

(c) Effective January 1, 2007, the annual average water consumption over the five previous calendar years divided by 12 times \$1.36 per 100 cubic feet.

(d) Effective January 1, 2008, the annual average water consumption over the five previous calendar years divided by 12 times \$1.46 per 100 cubic feet.

(e) Effective January 1, 2009, the annual average water consumption over the five previous calendar years divided by 12 times \$1.57 per 100 cubic feet.

Any city utility tax is in addition to the above rates. (Ord. 1189 § 3, 2006; Ord. 1128 § 1, 2002; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 994 § 8, 1996; Ord. 715 § 1, 1986; Ord. 709 § 1, 1986).

12.16.030 Fire hydrant service.

(1) Hydrant Use Fee. Persons drawing water from or utilizing city water from a hydrant shall pay a use fee of \$50.00 per day.

(2) Rate per Month. Fire hydrants owned and maintained by the customer:

Each hydrant \$2.50 per month

(Ord. 1189 § 3, 2006; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 715 § 1, 1986; Ord. 709 § 1, 1986).

12.16.040 Service connection charge.

(1) A permit fee to cover the cost of administration in the amount of \$50.00 shall be charged for each application for city water service. Such fee shall be paid into the city general fund.

(2) Service Connection Charge. Each separate service connection shall pay a fee per meter size as follows:

3/4" or smaller	\$600.00
1"	\$700.00
1-1/2"	\$2,000.00
2"	\$2,500.00

Service connection charges for meters larger than two inches shall be determined by the public works director. (Ord. 1189 § 3, 2006; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 715 § 1, 1986; Ord. 709 § 1, 1986).

12.16.050 Fire suppression systems.

(1) Rate per Month. Effective January 1, 2007, buildings with installed fire suppression systems owned and maintained by the customer shall be billed at \$2.50 per month. (Ord. 1189 § 3, 2006).

Chapter 12.18

WATER UTILITY REGULATIONS

Sections:

- 12.18.010 Purpose.
- 12.18.020 Definitions.
- 12.18.030 Cross-connections – Prohibited.
- 12.18.040 Cross-connections – Standards.
- 12.18.050 Cross-connections – Responsibility.
- 12.18.060 Cross-connections – Service prerequisites.
- 12.18.070 Cross-connections – Approval required.
- 12.18.080 Cross-connections – Right of entry.

12.18.010 Purpose.

The purpose of this chapter is to protect the water supply of the city of Stanwood water system from contamination or pollution from potential cross-connections; promote the elimination or control of existing or potential cross-connections. (Ord. 721 § 1, 1987).

12.18.020 Definitions.

(1) "Airbreak" is a physical separation which may be a low inlet into the indirect waste receptor from the fixture, appliance or device indirectly connected.

(2) "Airgap" is the unobstructed vertical distance through the free atmosphere between a supply line outlet and overflow rim of a receiving vessel. This separation must be at least twice the inside diameter of the supply line, but never less than one inch.

(3) "Backflow" is the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source (see "Back-siphonage").

(4) "Backflow connection" or condition is any arrangement whereby backflow can occur.

(5) "Backflow preventer" is a device or means to prevent backflow into the potable water system.

(6) "Back-siphonage" is the flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel into a water supply

12.18.030

pipe due to a negative pressure in such pipe (see "Backflow").

(7) "Cross-connection" is any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for non-potable, used, unclean, polluted and contaminated water, or other substances to enter into any part of such potable water system under any condition. (Ord. 721 § 2, 1987).

12.18.030 Cross-connections – Prohibited.

The installation or maintenance of any cross-connection which would endanger the water supply of the city of Stanwood water system is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared unlawful and shall be abated immediately. (Ord. 721 § 3, 1987).

12.18.040 Cross-connections – Standards.

The control or elimination of cross-connections shall be in accordance with WAC 248-54-285. The policies, procedures, and criteria for determining appropriate levels of protection shall be in accordance with the *Accepted Procedure and Practice in Cross Connection Control Manual – Pacific Northwest Section – American Water Works Association*, Third Edition, or any superseding edition. (Ord. 721 § 4, 1987).

12.18.050 Cross-connections – Responsibility.

It shall be the responsibility of the city of Stanwood department of public works to protect the potable water system from contamination or pollution due to cross-connection. (Ord. 721 § 5, 1987).

12.18.060 Cross-connections – Service prerequisites.

Water service to any premises shall be contingent upon the customer providing cross-connection control in a manner approved by the Stanwood department of public works. (Ord. 721 § 6, 1987).

12.18.070 Cross-connections – Approval required.

Backflow devices required to be installed shall be a model approved by the state Department of Social and Health Services and shall be tested annually. (Ord. 721 § 7, 1987).

12.18.080 Cross-connections – Right of entry.

Authorized employees of the city of Stanwood public works department with proper identification shall have free access at reasonable hours of the day, to all parts of a premises or within buildings to which water is supplied. Water service may be refused or terminated to any premises for failure to allow necessary inspections. (Ord. 721 § 8, 1987).

Chapter 12.20

UTILITY BILLING REGULATIONS

Sections:

- 12.20.010 Billing and payment policy.
- 12.20.020 Assessing fees and penalties for nonpayment and delinquency.
- 12.20.030 Termination of service.
- 12.20.040 Payment required before service restoration.
- 12.20.050 Lien rights.
- 12.20.060 Adjustment to bills.

12.20.010 Billing and payment policy.

(1) Bi-monthly billings shall be mailed to the address of the owner of the property being served by the utilities, as the address appears in the records of the city utility department. Upon written request of the owner, billing statements may be sent directly to the occupant of the property being served; however, in such cases the owner shall remain liable for payment of the bill, and the property shall remain subject to a lien for delinquent account.

(2) All payments on utility bills shall be applied first to the sewer balance, second to the drainage balance, and third to the water balance. Penalties and other charges are allocated proportionately to each utility.

(3) In the event that any fees or charges assessed for such services are not paid within 40 calendar days after mailing of the bills for such services, they shall be considered delinquent and shall automatically constitute a lien against the property to which the services were rendered. (Ord. 1189 § 4, 2006; Ord. 1101 § 2, 2000; Ord. 1085 § 2, 1999; Ord. 748 § 1, 1988).

12.20.020 Assessing fees and penalties for nonpayment and delinquency.

(1) Delinquency. A utility account is considered delinquent when the customer or occupant receiving the service fails to pay the utility charges within 40 calendar days after the billing date. Termination of service does not relieve the customer of the obligation to pay delinquent accounts and charges.

(2) Service Restoration Charge. A turn-on charge of \$25.00 shall be assessed to the property owner account at the time of request for restoration of water service.

(3) Late Penalty. For each notice sent to a utility customer advising the customer that an account is delinquent or the utility service will be discontinued by reason of the delinquency, there shall be a late penalty charge added to the account of five percent of the unpaid balances. The finance director, or his/her designee, is authorized to waive the late penalty charge under the following circumstances:

(a) Where a utility customer has made arrangements with the city, prior to the date the billing is due, for deferral of the payment of the bill; or

(b) In such circumstances where, in the judgment of the finance director or his/her designee, the customer can demonstrate a bona fide economic hardship.

(4) Other Fees and Charges.

(a) If a utility account is dishonored by the drawer's bank by reason of insufficient funds, a surcharge of \$20.00 shall be added to the utility account.

(b) If a utility account is liened by reasons of nonpayment for up to four months, the customer shall be responsible for payment of all lien recording fees. These lien charges shall be assessed on utility account balances. (Ord. 1189 § 4, 2006; Ord. 1101 § 2, 2000; Ord. 1085 § 2, 1999; Ord. 748 § 2, 1988).

12.20.030 Termination of service.

Water service may be discontinued by the city for delinquent and unpaid charges as specified in SMC 12.20.020. (Ord. 1189 § 4, 2006; Ord. 1101 § 2, 2000; Ord. 1085 § 2, 1999; Ord. 748 § 3, 1988).

12.20.040 Payment required before service restoration.

Water service may not be restored to the premises until all utility billing charges as specified in SMC 12.20.020 due and owing have been satisfied. (Ord. 1189 § 4, 2006; Ord. 1101 § 2, 2000; Ord. 1085 § 2, 1999; Ord. 748 § 4, 1988).

12.20.050 Lien rights.

(1) Liens against the property for up to four months of unpaid charges shall encumber the property, and shall be the obligation of the owner of the property, its heirs, successors, and assigns, until the same is paid in full. The city may enforce the lien by shutting off water services until all delinquent and unpaid charges are paid in full.

(2) Nothing in this chapter shall be construed as abridging the lien rights of the city of Stanwood, or other legally established sanctions. (Ord. 1189 § 4, 2006).

12.20.060 Adjustments to bills.

(1) In the event a meter fails to register the correct amount of water used, the customer will be charged at the average rate of monthly consumption for the previous 12 months as shown by the meter when in working order.

(2) In the event a leak or failure of a private water system or private service between the meter and the structure located on private property results in excess consumption, the city may, through a determination of the city finance director, provide for a rate adjustment up to 50 percent of the volume consumed in any one billing period in excess of the bi-monthly average of water consumed over the previous 12 months at that service address.

(a) Customers shall be required to provide proof of repair to leak or failure prior to receiving any rate adjustment.

(b) Application for the credit or adjustment must be made in written form and approved by the city finance director or his/her designee.

(c) No more than one application for credit may be considered per service address in any 24-month period. (Ord. 1189 § 4, 2006).

Chapter 12.30

RIGHT-OF-WAY USE PERMITS

Sections:

12.30.010 Authorization.

12.30.020 Contents.

12.30.030 Fee.

12.30.040 Hold harmless.

12.30.050 Requirements.

12.30.060 Deposit of funds.

12.30.010 Authorization.

The public works department is authorized to establish a system for permitting right-of-way use for utilities. The system shall consist of an application and a permit. (Ord. 778 § 1, 1989).

12.30.020 Contents.

The permit shall contain standard construction requirements and special construction requirements and conditions. (Ord. 778 § 2, 1989).

12.30.030 Fee.

A fee shall be paid for each such permit, at time of application, as provided for in SMC 3.30.075. (Ord. 1001, 1997; Ord. 778 § 3, 1989).

12.30.040 Hold harmless.

Permits shall also include statements regarding limitations, assignments, revocation and a statement that the permittee shall hold harmless the city of Stanwood. (Ord. 778 § 4, 1989).

12.30.050 Requirements.

A right-of-way use permit shall be required for service lines for individual properties or main extensions within the right-of-way of 60 feet or less (SMC 3.30.075). Construction within the right-of-way of more than 60 feet shall also be charged as provided for in SMC 3.30.075. (Ord. 1001, 1997; Ord. 778 § 5, 1989).

12.30.060 Deposit of funds.

For each right-of-way use permit for utilities, the funds shall be deposited into the appro-

private construction fund for the affected city utility. In the case of private utilities, such fees shall be deposited in the street construction fund. (Ord. 1001, 1997; Ord. 778 § 6, 1989).

Chapter 12.40

PLANT INVESTMENT CHARGE

Sections:

- 12.40.010 Purpose.
- 12.40.020 Permits.
- 12.40.030 Property owner's responsibilities.
- 12.40.040 Plant investment charge.
- 12.40.045 Additional water plant investment charge for Cedarhome benefit area.
- 12.40.050 Review of rates.
- 12.40.060 Collection.
- 12.40.070 Segregation and use of revenue.
- 12.40.080 Credits.

12.40.010 Purpose.

The city council of the city of Stanwood, Washington, has determined that it is reasonable and in the public interest to enact and impose a "plant investment charge" for the purpose of recovering an equitable share of the costs of water, sewer and drainage facilities from those properties within the utility service areas which, as a part of their development and use, create needs for those facilities. The city council finds that the public would benefit from a logical long range approach to the financing of necessary facilities. Experience has demonstrated that the lack of such provision casts an unfair and unexpected burden on taxpayers and residences in the form of taxes, bond interest costs and assessments when core or central facilities become inadequate, causing a crisis. Operating from crisis to crisis is wasteful, unsafe and no longer an acceptable method of local government, and debt financing should be minimized wherever possible. The "plant investment charge" herein described is designed and calculated to be of such amount as will eventually create reasonable reserves to pay the public's fair share of basic and essential service facilities as the need arises. (Ord. 1107, 2001; Ord. 787 § 2, 1989).

12.40.020 Permits.

Owners of premises within the city utility service areas adjacent to and abutting upon the sanitary sewer system, water system, or drainage system, and which premises has not been

12.40.030

previously assessed under a local improvement district, or some other method, may connect those premises to and utilize service from such systems upon receipt of a permit issued by the director of public works. Such permit shall be issued only upon written application to the director by the owner of the premises to be served and subject to the following terms and conditions:

(1) Payment of the appropriate fees for the systems:

(a) Water: Plant investment charge for water;

(b) Sewer: Plant investment charge for sewer;

(c) Drainage: Plant investment charge for drainage.

(2) The plant investment charges are separate and additional to the permit for water service connection, sewer connection, and drainage connection. (Ord. 1107, 2001; Ord. 787 § 3, 1989).

12.40.030 Property owner's responsibilities.

(1) The property owner warrants that he/she is the owner of the property with full authority to bind the property with the covenants and conditions contained in the Stanwood Municipal Code.

(2) The property owner shall subject his property to the resolutions and ordinances of the city, and shall use the public sewers, water mains and drainage mains of the city in accordance with the rules, regulations and ordinances of the city, as they may be amended from time to time, and the property shall be subject to the regular schedule of sewer, water service and drainage charges of the city, as may from time to time be fixed by the city for its use classification, including, if the city so provides, a reasonable split rate for properties served in particular areas.

(3) The property described in the permit shall be the only property served with sewer, water and drainage service.

(4) The property shall be subject to liens, penalties and interest for nonpayment of sewer, water service and drainage charges, to

the same extent as any other property served by the city.

(5) Credit shall be given on any future assessment in a local improvement district or utility local improvement district for any charge in lieu of assessment paid for that property, or any reasonable costs incurred by the property owner and allowed by the public works director or other authorized representative in installing sewer, water and drainage lines, which have been deeded to the city.

(6) Building sewers and water mains and other appurtenant facilities constructed and installed by the property owner shall be subject to the permit, design review, construction, inspection, connection, conveyance and other requirements of this chapter, including the required fees and charges.

(7) There shall be paid for the property plant investment charges as required by SMC 12.40.040.

(8) To protect the interests of the city, the public works director, city engineer, or other authorized representative of the city may require other conditions and provisions as the individual case may warrant, including, but not limited to, reasonable design requirements, design review and inspection requirements, and protective and safety requirements. (Ord. 1107, 2001; Ord. 787 § 4, 1989).

12.40.040 Plant investment charge.

(1) Water Plant Investment Charge.

(a) The city council hereby finds and determines that the capital cost of the city's water system, including pumps, wells, distribution lines, reservoirs and rights-of-way is \$23,595,125. The capital cost of such system has been borne by the city and its water system users. Such water system will be utilized by newly connecting properties, and the capital cost, as applied to buildings presently served, is \$7,060 per each three-quarter-inch water meter.

(b) Beginning June 15, 2006, and thereafter, in addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the owners of property seeking to provide water service to their property by connecting to the city's water system,

a plant investment charge, determined by multiplying the total number of equivalent water connections proposed by \$5,200. Equivalent connections and plant investment charges for all buildings shall be as follows:

Service Connection Size	Equivalent Connection	Charge
Up to 3/4"	1.00	\$5,200
1"	1.67	\$8,684
1-1/2"	3.33	\$17,316
2"	5.33	\$27,716
3"	10.00	\$52,000
4"	16.67	\$86,684
6"	33.33	\$173,316
8"	53.33	\$277,453

(2) Sewer Plant Investment Charge.

(a) The city council hereby finds and determines that the capital cost of the city's sewer system, including pumps, collection pipelines, sewer treatment plant, and rights-of-way is \$23,321,044. The capital cost of such system has been borne by the city and its sewer system users. Such sewer system will be utilized by newly connecting properties and the capital cost, as applied to buildings presently served is \$4,040 per each three-quarter-inch water meter.

(b) Beginning June 15, 2006, and thereafter, in addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the owners of property seeking to provide sewer service to their property by connecting to the city's sewer system, a plant investment charge, determined by multiplying the total number of equivalent connections by \$4,040. Equivalent connections and plant investment charges for all buildings shall be as follows:

Service Connection Size	Equivalent Connection	Charge
Up to 3/4"	1.00	\$4,040
1"	1.67	\$6,746
1-1/2"	3.33	\$13,453
2"	5.33	\$21,533

Service Connection Size	Equivalent Connection	Charge
3"	10.00	\$40,400
4"	16.67	\$67,347
6"	33.33	\$134,653
8"	53.33	\$215,453

(3) Drainage Plant Investment Charge.

(a) The city council hereby finds and determines that the capital cost of the city's drainage system, including pumps, collection pipelines and rights-of-way is \$3,270,401. The capital cost of such system has been borne by the city and its drainage system users. Such drainage system will be utilized by newly developed properties, and the capital cost, as applied to buildings presently served, is \$600.00 per each equivalent unit.

(b) Beginning June 15, 2006, and thereafter, in addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the owners of property seeking to develop within the city limits a drainage plant investment charge determined by multiplying the total number of equivalent residential units (ERU) by \$600.00.

(i) Residential. An equivalent residential unit (ERU) is determined to be 3,000 square feet of impervious area. This is based on a lot size of up to 10,000 square feet. For plant investment charges for residential lots larger than 10,000 square feet, the ERUs will be calculated on the same basis as nonresidential development.

(ii) Nonresidential Development (Includes Multifamily Dwellings). Drainage plant investment charges for nonresidential development shall be calculated based on the number of equivalent residential units of impervious area of the proposed development, including fractions thereof. For example:

(A) $5,500 \text{ square feet of impervious area} / 3,000 = 1.83 \times \$600.00 = \$1,100;$

(B) $6,400 \text{ square feet of impervious area} / 3,000 = 2.13 \times \$600.00 = \$1,278.$ (Ord. 1190 § 1, 2006; Ord. 1107, 2001; Ord. 1078, 1999; Ord. 940 § 1, 1995; Ord. 849 §§ 1, 2, 1992; Ord. 813 § 1, 1991; Ord. 787 § 5, 1989).

12.40.045

12.40.045 Additional water plant investment charge for Cedarhome benefit area.

(1) The city council hereby finds and determines that the capital costs of water system improvements in the Cedarhome area are \$2,732,000. Said water system improvements will be utilized by newly connecting properties in the Cedarhome benefit area and the capital cost for each three-quarter-inch water meter shall be \$2,570.

(2) The Cedarhome benefit area is hereby defined as that area shown in Exhibit A-1, titled Cedarhome Benefit Area and Exhibit A-2, titled Cedarhome Benefit Area Tax Account Numbers, attached to the ordinance codified in this section and incorporated by this reference.

(3) In addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the properties in the Cedarhome benefit area seeking to obtain water service by connecting to the city's water system, a plant investment charge, determined by multiplying the total number of equivalent connections proposed by \$2,570.

(a) Equivalent connections and plant investment charges for all buildings shall be as follows:

Service Connection Size	Equivalent Connection	Charge
Up to 3/4"	1.00	\$2,570
1"	1.67	\$4,292
1-1/2"	3.33	\$8,558
2"	5.33	\$13,698
3"	10.00	\$25,700
4"	16.67	\$42,842
6"	33.33	\$85,658
8"	53.33	\$137,058

(4) All funds derived under this section shall be segregated from all other funds of the city. The entire portion of the water plant investment charge for the Cedarhome benefit area shall be used for no other purpose than the design, installation, and construction of the 400 zone 500,000-gallon elevated reservoir and transmission main; and Cedarhome

booster pump station or debt service thereon. (Ord. 1190 § 1, 2006; Ord. 1126 § 1, 2002).

12.40.050 Review of rates.

The plant investment charges, as set forth in this chapter, will be adjusted annually based upon the Engineering News-Record (ENR) Construction Cost Index (the 20-city average), for a period not to exceed five years. This cost index tracks changes in construction costs for municipal construction projects. After five years, or whenever the city's utility comprehensive plans or utility capital facility plans are updated and adopted by city council, whichever occurs first, the plant investment charges should be re-evaluated based on asset value, projected capital projects, projected growth, interest, and inflation. (Ord. 1190 § 1, 2006; Ord. 1107, 2001; Ord. 787 § 6, 1989).

12.40.060 Collection.

The plant investment charges are immediately due and payable upon, and concurrently with, the issuance of a valid building permit or a valid permit for connection to the sewer, water or drainage system of the city, whichever occurs first. (Ord. 1107, 2001; Ord. 787 § 7, 1989).

12.40.070 Segregation and use of revenue.

All funds derived from the plant investment charge are to be segregated by appropriate approved accounting practices from all other funds of the city. That portion of the plant investment charge calculated and collected on account of sewers shall be used for no other purpose than installing, constructing, and extending sewer facilities or debt service thereon; that portion of the plant investment charge calculated and collected on account of water shall be used for no other purpose than installing, constructing, and extending water facilities or debt service thereon; and, that portion of the plant investment charge calculated and collected on account of drainage shall be used for no other purpose than installing, constructing, and extending drainage facilities or debt service thereon. (Ord. 1107, 2001; Ord. 787 § 8, 1989).

12.40.080 Credits.

Credit may be granted under the provisions of this chapter toward the plant investment charge. Such credit may be granted when complying with the following guidelines:

(1) Water, sewer and drainage facilities and pipelines to be used for credit shall be installed in accordance with approved plans and specifications and accepted by the city for maintenance.

(2) Credit will not be granted in excess of the total charge for plant investment. (Ord. 1107, 2001; Ord. 787 § 9, 1989).

Chapter 12.45

**EXTENSION OF CITY SERVICES
OUTSIDE CITY LIMITS**

Sections:

- 12.45.010 City’s authority to provide service outside city limits.
- 12.45.020 Water or sewer service application.
- 12.45.030 Charges for water or sewer service.
- 12.45.040 Utility extension agreement.
- 12.45.050 Extensions for public health, safety or environmental reasons.

12.45.010 City’s authority to provide service outside city limits.

(1) The city is authorized, pursuant to RCW 35.67.310 and 35.92.200, to provide sewer and water service to property outside the city limits. The city’s provision of such service is not mandatory. In all circumstances in which the city agrees to provide water or sewer service to property beyond its limits, the applicants for such service must comply with all of the terms and conditions of this chapter.

(2) After designation of the city’s urban growth area boundary by the county as contemplated by RCW 36.70A.110, the city is prohibited from annexing territory beyond such boundary (RCW 35A.14.005). Therefore, except to municipal corporations or quasi-municipal corporations, such as water, sewer or fire districts, and then only under the circumstances described in subsection (3) of this section, the city’s extension of water and sewer service outside the city limits to property not contained within the city’s urban growth area is not appropriate.

(3) The Growth Management Act, Chapter 36.70A RCW, has been amended to allow cities to provide water and sewer services in rural areas in those limited circumstances shown to be necessary to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development (RCW 36.70A.110[4]). Applications for water and sewer service in rural areas or areas outside the city’s urban growth area may be granted by the city council under the circum-

12.45.020

stances in this section, and under the procedures set forth in SMC 12.45.050. (Ord. 1122 § 1, 2002).

12.45.020 Water or sewer service application.

Any person owning property outside the city limits and desiring to have their property connected to the city's water supply system or sewer system shall make application at the office of the public works department on the appropriate form. Every such application shall be made by the owner of the property to be connected and supplied the service, or by his/her authorized agent. The applicant must state fully the purposes for which the water and/or sewer service is required. Applicants must agree to conform to the city's rules and regulations concerning water and sewer service set forth in this title, as the same now exists or may be amended in the future. If the city receives such a water service application and subsequently issues a water availability certificate, such certificate shall expire within one year of the date of issuance, if the applicant does not pay the required fees and request an actual hook-up or connection to the subject property within that time period. (Ord. 1122 § 1, 2002).

12.45.030 Charges for water or sewer service.

Applicants for water and/or sewer service to property outside the city limits shall be charged the rates and connection charges for such service as set forth in Chapter 12.04 SMC (sewer service), Chapter 12.16 SMC (water service), and Chapter 12.40 SMC (plant investment charges) as those code sections now exist or may hereafter be amended. All other additional charges applicable to water and/or sewer service to property within the city limits in this title shall also be imposed, where appropriate. (Ord. 1122 § 1, 2002).

12.45.040 Utility extension agreement.

Every applicant for water and/or sewer service requiring extension of utilities outside the city limits, except for municipal corporations or quasi-municipal corporations, such as

water, sewer or fire districts making application under SMC 12.45.050, must agree to sign a voluntary agreement with the city, which conditions the provision of the service on the following terms:

(1) Agreement to Run with the Property. The agreement shall be recorded against the property in the Snohomish County auditor's office, and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property.

(2) Warranty of Title. The agreement shall be executed by the owner of the property, who shall also warrant that he/she is authorized to enter into such agreement.

(3) Annexation. Property owners requesting extension of city sewer and water into the unincorporated UGA shall agree to either annex immediately (if such property is located in the UGA), or shall sign a no protest agreement in which the property owner agrees to sign any annexation petition that is circulated in the future to annex their property, as long as the property is located within the UGA at the time of circulation.

(4) Costs of Design, Engineering and Construction of Extension. The owner shall agree to pay all costs of design, engineering and construction of the extension, which shall be accomplished to city standards and conform to plans approved by the city public works director. Costs of plan review and construction inspection shall also be paid by the owner.

(5) Plant Investment Charges. The owner shall be responsible for the payment of plant investment charges as defined by Chapter 12.40 SMC, as the equitable share of the costs of serving the property.

(6) Easements and Permits. The owner shall secure and obtain at the owner's sole cost and expense all permits, easements and licenses necessary to construct the extension.

(7) Dedication of Capital Facilities. The owner shall agree to dedicate all capital facilities constructed as part of the water and sewer extension (such as water or sewer main lines, pump stations, wells, etc.), at no cost to the

city, upon the completion of construction, approval and acceptance by the city.

(8) Connection Charges. The owner shall be responsible for the payment of the connection charges set by the city in Chapters 12.04 and 12.16 SMC (as these chapters now exist or may hereafter be amended), as a condition of connecting to the city water and/or sewer system. Such connection charges shall be calculated at the rate schedules applicable at the time of actual connection.

(9) Special Assessment District. If, at the time of execution of the agreement, the city has formed a special assessment district to pay for capital project(s) related to service of the property, the owner shall agree to participate in the district and to waive his/her right to protest the assessment.

(10) Waiver of Right to Protest LID. If, at the time of execution of the agreement, the city has plans to construct certain improvements that would specially benefit the owner's property, the agreement shall specifically describe the improvement. The owner shall agree to sign a petition for the formation of an LID or ULID for the specified improvements at the time one is circulated, and to waive his/her right to protest formation of any such LID or ULID.

(11) Development of Property to Conform to City Comprehensive Plan and Development Standards.

(a) The owner shall agree to comply with the following development standards of the city of Stanwood, unless otherwise provided by this chapter:

(i) Chapter 12.45 SMC (standards for UGA utility extensions);

(ii) Chapter 16.10 SMC (standards for long plats);

(iii) Chapter 16.35 SMC (standards for short plats);

(iv) Chapters 17.30 through 17.79 SMC (permitted uses and dimensional and density requirements);

(v) Chapter 17.110 SMC (signs);

(vi) Chapters 17.115 through 17.135 SMC (critical areas protection);

(vii) Chapter 17.145 SMC (landscaping); and

12.45.050

(viii) Public works standards.

(b) The owner shall agree to comply with all elements of the city of Stanwood comprehensive plan, including but not limited to the city of Stanwood comprehensive water system plan and the city's wastewater facilities plan.

(c) The city council may elect to enter into a utility extension agreement with an owner who cannot meet one or more development standards as contained in subsection (11)(a) of this section only under the following conditions:

(i) The applicant demonstrates that there is a conflict between a particular city development standard and the corresponding Snohomish County standard that prevents an applicant from meeting both development regulations;

(ii) The applicant demonstrates that the proposed departure from one of the city's development standards listed in subsection (11)(a) of this section would result in a development that meets the intent of the applicable provision of the comprehensive plan, subdivision code, zoning code or public works standards;

(iii) The applicant demonstrates that the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features necessary to ensure compatibility with and not inconsistent with the underlying zoning district;

(iv) Adequate public utilities are available to serve the proposal;

(v) The proposed use will have no significant adverse effect on existing uses or permitted uses or that deviate from the development standard listed in subsection (11)(a) of this section will not further aggravate any adverse effects; and

(vi) The establishment, maintenance and/or conducting of the uses for which the utility agreement is sought will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neigh-

borhood or contrary to its orderly development.

(12) Interlocal Agreements. If, at the time of execution of the agreement, the city and the county have approved any interlocal agreements governing the development of the Stanwood urban growth area, the development shall also be subject to the terms of the agreement(s) in place.

(13) Termination for Noncompliance. In addition to all other remedies available to the city for the owner's noncompliance with the terms of the agreement, the city shall have the ability to disconnect the utility, and for that purpose may at any time enter upon the property. (Ord. 1169 § 1, 2005; Ord. 1140 § 1, 2003; Ord. 1122 § 1, 2002).

12.45.050 Extensions for public health, safety or environmental reasons.

(1) Applications for water and sewer service to property outside the city's urban growth area boundary may only be approved if, in addition to all other requirements of this title, the applicant can demonstrate that the extension is necessary to protect basic public health, safety, welfare and the environment. This showing may include, among other documentation, an emergency order issued by the Department of Ecology relative to any sewer extension request.

(2) The city council shall review the application and may, in its sole discretion, allow the extension if the council finds:

(a) That the requested service is financially supportable at rural densities and does not permit urban development;

(b) That the city's NPDES permit will not be affected by the extension (if applicable); and

(c) That the extension is consistent with the goals of the city's water and sewer comprehensive plans and all other applicable law, including, but not limited to, the Public Water System Coordination Act (Chapter 70.116 RCW), the Growth Management Act, and the State Environmental Policy Act.

(3) The council’s approval of any extension under the criteria in subsection (2) of this section may be conditioned upon the following:

(a) Restrictions may be placed on the hours that the city will accept sewage flow from the applicants;

(b) Restrictions may be placed on the amount of sewage flow or water provided to the applicant;

(c) For extensions outside the city’s urban growth boundary area, the applicant shall have responsibility to maintain and operate its own facilities; and/or

(d) Any other conditions the council considers appropriate. (Ord. 1140 § 1, 2003; Ord. 1122 § 1, 2002).

Chapter 12.50

**LATECOMER AGREEMENTS
FOR WATER AND SEWER**

Sections:

- 12.50.010 Purpose.
- 12.50.020 Definitions.
- 12.50.030 Limitations on latecomer agreement.
- 12.50.040 Effect of latecomer agreement.
- 12.50.050 Fees – Application.
- 12.50.060 Deadline for submittal of application.
- 12.50.070 Administrative fees and recording costs.
- 12.50.080 Assessment method.
- 12.50.090 Cost of construction to be examined by city engineer.
- 12.50.100 Approval and acceptance of water and/or sewer facilities by city.
- 12.50.110 City council approval and notice.
- 12.50.120 No requirement for execution of latecomer agreement.

12.50.010 Purpose.

The purpose of this chapter is to implement Chapter 35.91 RCW, and to describe the process for a property owner or developer to request the execution of a latecomer agreement with the city council for water and/or sewer facilities. (Ord. 1182 § 1, 2006).

12.50.020 Definitions.

The definitions set forth in this section shall apply throughout this chapter:

(1) “Cost of construction” means the cost incurred for design, acquisition for right-of-way and/or easements, permit and plan review fees, construction (including materials and installation), as required in order to create and install the water and/or sewer facilities in accordance with all applicable laws, ordinances and standards, including the city’s public works standards. The cost of construction shall be documented in writing on final invoices or other documents showing the amounts paid by the owner. The city will not accept written estimates in determining the cost of construction. In the event of a disagree-

12.50.030

ment between the city and the owner concerning the cost of the water and/or sewer facilities, the city engineer's determination shall be final.

(2) "Engineer" means the city engineer or his/her designated representative.

(3) "Latecomer agreement" means a written contract between the city and one or more property owners providing for the partial reimbursement of the cost of constructing the water and/or sewer facilities. The latecomer agreement shall be a standard agreement approved as to form by the city attorney.

(4) "Water and/or sewer facilities" means storm, sanitary or combination sewers, pumping stations and disposal plants, water mains, hydrants, reservoirs, or appurtenances. (Ord. 1182 § 1, 2006).

12.50.030 Limitations on latecomer agreement.

The city council may execute a latecomer agreement for water and/or sewer facilities with a property owner who constructs water and/or sewer facilities:

(1) Within the city or within 10 miles from the city corporate limits, connecting with the city public water or city sewerage system to serve the area in which the real estate is located;

(2) To provide for a period of not to exceed 15 years for the reimbursement of such real estate owners and their assigns by any owner of real estate who did not contribute to the actual cost of such water and/or sewer facilities and who subsequently tap into or use the same (the "latecomer");

(3) To require that the latecomer pay his or her fair pro rata share of the cost of the construction of the water and/or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto;

(4) To be effective as to any owner of real estate not a party to the latecomer agreement unless such latecomer agreement has been recorded in the office of the Snohomish County auditor prior to the time that the latecomer taps into or connects to said water and/or sewer facilities. (Ord. 1182 § 1, 2006).

12.50.040 Effect of latecomer agreement.

No person, firm or corporation shall be granted a permit or be authorized to hook up or use any such water and/or sewer facilities or extensions thereof during the period of time set forth in a recorded latecomer agreement without first paying to the city, in addition to any and all other costs and charges assessed for such hook-up or use or for the water lines or sewers constructed in connection therewith, the amount required by the latecomer agreement. Whenever any hook-up or connection is made into a water and/or sewer facility subject to a latecomer agreement, without such payment having first been made, the city may remove, or cause to be removed, such unauthorized hook-up or connection and all connecting tile or pipe located in the facility right-of-way and dispose of unauthorized material so removed without any liability whatsoever. (Ord. 1182 § 1, 2006).

12.50.050 Fees – Application.

A proposed latecomer agreement, including a description of the methodology and the pro rata share for each property, shall be submitted to the city, accompanied by:

(1) A nonrefundable application fee equal to five percent of the amount proposed for collection under the latecomer agreement;

(2) Paper and digital copies of as-built plans stamped by a Washington state licensed engineer or land surveyor;

(3) Bill(s) of sale;

(4) Itemized and quantified list of costs of construction, prepared, stamped and signed by a Washington state licensed civil engineer;

(5) An 18-inch by 24-inch scaled drawing stamped by either a Washington state licensed civil engineer or land surveyor showing the water and/or sewer facility size, location and the proposed areas potentially encumbered for this latecomer agreement, including dimensions, tax parcel numbers, sizes of parcels, useful elevations as needed by the city for determining benefit, all existing utility services and appurtenances. The map must also include the method proposed to be used by the owner to determine the assessment, i.e., front-age square footage and zone end termini;

(6) An eight and one-half inch by 11-inch vicinity map showing tax lot numbers and dollar amounts assessed on each lot. (Ord. 1182 § 1, 2006).

12.50.060 Deadline for submittal of application.

Applications for latecomer agreements shall be submitted to the city for approval after the city notifies the owner that the water and/or sewer facilities constructed are acceptable to the city for city operation and maintenance. For residential subdivisions, the application shall be submitted prior to final plat approval. For other types of developments not requiring a final plat approval, the application shall be submitted within 30 days after the city notifies the owner that the utilities are acceptable. Failure by the owner to submit a complete application prior to this deadline constitutes a waiver of the ability to request execution of a latecomer agreement with the city. (Ord. 1182 § 1, 2006).

12.50.070 Administrative fees and recording costs.

In addition to the fair pro rata charge imposed by the latecomer agreement, the city shall charge a fee of 10 percent of the amount collected from an owner under the latecomer agreement to cover the city's administrative costs of collecting and dispersing reimbursed amounts. Collected latecomer agreement fees disbursed to the contracting party shall be less the 10 percent charge. The owner of the real estate with whom the latecomer agreement is executed shall pay all costs of recording the latecomer agreement with the Snohomish County auditor's office, as required by law. (Ord. 1182 § 1, 2006).

12.50.080 Assessment method.

The city may use any method of assessment permitted by law including, but not limited to, the front-foot method, the zone end termini method, and square footage method. At the discretion of the public works director, the city may allow a proportionate payment if only a portion of a property is developed, with the

balance to be paid when the rest of the property is developed. (Ord. 1182 § 1, 2006).

12.50.090 Cost of construction to be examined by city engineer.

The cost of construction of the water and/or sewer facilities shall be examined by the city engineer, prior to the city council meeting on the latecomer agreement. The city engineer shall provide a recommendation to the council to verify the examination of the cost of construction. (Ord. 1182 § 1, 2006).

12.50.100 Approval and acceptance of water and/or sewer facilities by city.

All water and/or sewer facilities proposed to be accepted for city ownership and maintenance (and later subject to a latecomer agreement) must be located on city-owned property or the necessary easements must be dedicated to the city prior to dedication such that the city may operate, maintain, demolish, reconstruct, improve or expand the water and/or sewer facilities in the future. (Ord. 1182 § 1, 2006).

12.50.110 City council approval and notice.

The city council shall have approval authority over latecomer agreements. Approval shall only be given after a public hearing held by the council or the hearing examiner on the agreement. Proper notice shall be met if the hearing is published in an official city newspaper with due notice sent to the affected property owners 10 days prior to the hearing. (Ord. 1182 § 1, 2006).

12.50.120 No requirement for execution of latecomer agreement.

Nothing in this chapter shall be construed as requiring the city to enter into such latecomer agreement. Nothing in this chapter requires the city to enter into a latecomer agreement on or after the timelines specified in SMC 12.50.060. (Ord. 1182 § 1, 2006).

